

109TH CONGRESS
2D SESSION

H. R. 5933

To provide for the admission to the United States of nonimmigrant business facilitation visitors.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2006

Mr. FEENEY (for himself and Mr. MEEKS of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the admission to the United States of nonimmigrant business facilitation visitors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Business Travel Facili-
5 tation Act of 2006”.

6 **SEC. 2. BUSINESS FACILITATION VISITORS.**

7 Section 214 of the Immigration and Nationality Act
8 (8 U.S.C. 1184) is amended by adding at the end the fol-
9 lowing:

10 “(s) BUSINESS FACILITATION VISITORS.—

1 “(1) IN GENERAL.—For purposes of section
2 101(a)(15)(B), the term ‘visiting the United States
3 temporarily for business’ includes visiting the United
4 States temporarily as a business facilitation visitor,
5 as defined in paragraph (2).

6 “(2) DEFINITION OF BUSINESS FACILITATION
7 VISITOR.—For purposes of this subsection, a busi-
8 ness facilitation visitor is an alien who is visiting the
9 United States temporarily to—

10 “(A) provide services pursuant to a quali-
11 fying services contract, as defined in paragraph
12 (7); or

13 “(B)(i) provide management or technical
14 training to; or

15 “(ii) receive management or technical
16 training from personnel of a United States enti-
17 ty.

18 “(3) CONDITIONS.—

19 “(A) IN GENERAL.—No alien may be ad-
20 mitted or provided status as a business facilita-
21 tion visitor unless—

22 “(i) the alien is a national of a coun-
23 try that the Secretary of Homeland Secu-
24 rity has certified as having entered into ar-
25 rangements with the United States to com-

1 bat fraud in the application for visas to the
2 United States through the use of measures
3 such as machine readable passports and bi-
4 ometric technology; and

5 “(ii) the consular officer to whom the
6 alien applies for a visa under the provi-
7 sions of section 101(a)(15)(B) determines,
8 based on evidence provided by the alien,
9 that the conditions described in this para-
10 graph have been met.

11 “(B) CONDITIONS WITH RESPECT TO PRO-
12 VISION OF SERVICES.—In the case of the provi-
13 sion of services as described in paragraph
14 (2)(A), the conditions described in this para-
15 graph are that—

16 “(i) all of the alien’s remuneration
17 and expenses related to the provision of
18 such services will be paid by the alien’s
19 employer; and

20 “(ii) the alien is qualified to provide
21 such services, as demonstrated by the
22 alien’s possession of—

23 “(I) expert knowledge of the enti-
24 ty’s technology or operations on the

1 basis of technical training or experi-
2 ence; and

3 “(II) all licenses or other author-
4 izations required to provide the serv-
5 ices in the United States.

6 “(C) CONDITIONS WITH RESPECT TO PRO-
7 VISION OR RECEIPT OF MANAGEMENT OR TECH-
8 NICAL TRAINING.—In the case of the provision
9 or receipt of management or technical training
10 as described in paragraph (2)(B), the condi-
11 tions described in this paragraph are that—

12 “(i) the alien is an employee of a firm,
13 corporation, or other legal entity that—

14 “(I) is affiliated through owner-
15 ship or control with the United States
16 entity whose personnel will be pro-
17 viding or receiving the training;

18 “(II) has entered into a joint
19 venture or similar agreement with the
20 United States entity; or

21 “(III) has purchased, or is con-
22 sidering purchasing, goods or services
23 from, or has sold goods or services to,
24 the United States entity, and the

1 training is related to such purchase or
2 sale;

3 “(ii) all of the alien’s remuneration
4 and expenses related to the provision or re-
5 ceipt of such training will be paid by the
6 alien’s employer;

7 “(iii) in the case of an alien seeking to
8 provide management training, the alien
9 has—

10 “(I) at least 5 years of experience
11 directly related to management or
12 management training; and

13 “(II) detailed knowledge of the
14 business operations of the alien’s em-
15 ployer; and

16 “(iv) in the case of an alien seeking to
17 receive management training, the alien
18 holds, or will hold within 1 year of com-
19 pleting the training, a management level
20 position within the alien’s employer.

21 “(4) PERIOD OF AUTHORIZED ADMISSION.—

22 “(A) BUSINESS FACILITATION VISITORS
23 PROVIDING SERVICES.—The period of author-
24 ized admission for an alien admitted as a busi-
25 ness facilitation visitor providing professional

1 services as described in paragraph (2)(A) shall
2 not exceed 1 year. However, the Secretary of
3 Homeland Security may grant such alien a sin-
4 gle extension of not more than 6 months if the
5 Secretary determines, based on evidence pro-
6 vided by the alien, that—

7 “(i) there has been an unforeseen
8 delay in completing the provision of serv-
9 ices described in the qualifying services
10 contract; and

11 “(ii) replacing the alien with another
12 provider of professional services would fur-
13 ther delay or otherwise inhibit fulfillment
14 of the terms of the contract.

15 “(B) BUSINESS FACILITATION VISITORS
16 PROVIDING OR RECEIVING MANAGEMENT OR
17 TECHNICAL TRAINING.—The period of author-
18 ized admission for an alien admitted as a busi-
19 ness facilitation visitor providing or receiving
20 management or technical training, as described
21 in paragraph (2)(B), may not exceed 1 year.

22 “(5) NO CHANGE OF STATUS.—Notwith-
23 standing any other provision of this Act, an alien ad-
24 mitted as a business facilitation visitor shall not be
25 eligible for a change of nonimmigrant status or for

1 an adjustment from nonimmigrant to immigrant sta-
2 tus during the alien's stay in the United States.

3 “(6) AUTHORIZATION TO COUNTER PATTERN
4 OF FRAUD.—If the Secretary of Homeland Security
5 finds that nationals of a country have engaged in a
6 pattern of fraud involving visa applications or other
7 immigration matters, the Secretary may prohibit
8 such nationals from admission to the United States
9 as business facilitation visitors for such period of
10 time as the Secretary determines to be appropriate.

11 “(7) DEFINITION OF QUALIFYING SERVICES
12 CONTRACT.—For purposes of this subsection, a
13 qualifying services contract is a contract between a
14 foreign provider of professional services and a
15 United States entity, the terms of which include—

16 “(A) the time period during which the
17 alien will be required to be present in the
18 United States in order to fulfill the terms of the
19 contract;

20 “(B) the duties to be performed by the
21 alien in the United States;

22 “(C) provisions stating that—

23 “(i) the alien's remuneration and ex-
24 penses will be paid by the foreign provider;

1 “(ii) the United States entity will pro-
2 vide the alien with working conditions com-
3 parable to those of similarly situated pro-
4 viders of professional services to the entity
5 and consistent with the applicable require-
6 ments of the Fair Labor Standards Act
7 (29 U.S.C. 201 et seq.); and

8 “(iii) the alien possesses the creden-
9 tials necessary to provide the services cov-
10 ered by the contract, including any licenses
11 or other authorizations required to provide
12 the services in the United States; and

13 “(D) a provision stating the respective re-
14 sponsibilities of the foreign provider for ensur-
15 ing the alien’s—

16 “(i) compliance with the terms of the
17 alien’s admission to the United States; and

18 “(ii) return to the alien’s home coun-
19 try at the conclusion of the period for
20 which the alien is admitted.”.

○